



**CITY OF HUNTINGTON BEACH
SUPPLEMENTAL COMMUNICATION**

**Joan L. Flynn, City Clerk
Office of the City Clerk**

TO: Honorable Mayor and City Council
FROM: Joan L. Flynn, City Clerk
DATE: October 15, 2012
**SUBJECT: SUPPLEMENTAL COMMUNICATIONS FOR THE OCTOBER 15, 2012,
REGULAR CITY COUNCIL/PFA MEETING & SPECIAL MEETINGS OF
THE SUCCESSOR AGENCY AND HOUSING AUTHORITY**

Attached is Supplemental Communications to the City Council (received after distribution of the Agenda Packet):

Report by City Attorney

Communication received from Jennifer McGrath, City Attorney, dated October 10, 2012, entitled *City Attorney Report for October 15, 2012 City Council Meeting regarding City of Huntington Beach v. Alvarez, et al. (Garfield Widening) Orange County Superior Court Case No. 07CC02215.*

Councilmember Item

#15. Communication received from Jim Banks, dated October 15, 2012 regarding proposed ordinance preventing the feeding of non-domestic animals.

#15. Communication received from Rebecca Dmytryk of the Humane Pest Control, dated October 15, 2012 regarding the proposed ordinance to reduce human-wildlife conflicts.



CITY OF HUNTINGTON BEACH
Interdepartmental Communication

TO: JOAN FLYNN, City Clerk

FROM: JENNIFER McGRATH, City Attorney

DATE: October 10, 2012

SUBJECT: City Attorney Report for October 15, 2012 City Council Meeting regarding *City of Huntington Beach v. Alvarez, et al. (Garfield Widening)* Orange County Superior Court Case No. 07CC02215

This is a condemnation action brought to acquire 20 feet of additional right-of-way from four parcels of land to widen Garfield Avenue near Delaware Street, including three parcels located at 7802 Garfield Avenue. In 2007, the City deposited with the State Treasurer its estimated value of the property being acquired, in order to obtain an Order of Possession and proceed with the now completed widening project. After settlement with the owners of the fourth parcel, and a partial withdrawal of \$143,242.55 by the owners of the three parcels at 7802 Garfield, the sum of \$52,632.49 remains on deposit with the State Treasurer.

In addition to disputing the City's valuation of the property being acquired, the owners of the three parcels asserted other related damage claims against the City. At its closed session of September 17, 2012, the City Council granted additional authority to the City Attorney to settle the case. Since then, the City Attorney has settled the case within the authority granted by the City Council. This settlement provides for the release and payment to the owners of the three parcels of the remaining \$52,632.49 on deposit with the State Treasurer, plus an additional payment by the City of \$97,367.51, bringing the total amount paid by the City to acquire the three parcels and settle the related damage claims to \$293,242.55.

JENNIFER McGRATH
City Attorney

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 10/15/2012

Agenda Item No. CLOSED SESSION REPORT
BY CITY ATTORNEY

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, October 15, 2012 8:14 AM
To: CITY COUNCIL; agendaalerts@surfcity-hb.org
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 12609 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Comment

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Jim Banks

Description: The ordinance proposed by Joe Carchio to prevent the feeding of non-domestic animals in HB is so broadly worded that it would make a criminal out of anyone that has a Hummingbird feeder in their backyard. I am not lobbying for or against this ordinance, but please if you are going to consider it make it specific to the issue at hand, i.e., the coyote problem, and not penalize those of us who like to feed song birds and humming birds.

Expected Close Date: 10/16/2012

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 10/15/2012

Agenda Item No. 15

Esparza, Patty

From: Fikes, Cathy
Sent: Monday, October 15, 2012 2:10 PM
To: agendaalerts@surfcity-hb.org; Connie Boardman; Devin Dwyer; Joe Shaw; Keith Bohr; Matthew Harper
Subject: FW: ordinance discouraging wildlife
Attachments: WildFeed.docx; ATT337057.htm; aqua.gif; ATT337058.htm

From: Humane Pest Control [mailto:help@humanecontrol.com]
Sent: Monday, October 15, 2012 1:08 PM
To: Hansen, Don; Dwyer, Devin; Boardman, Connie; Bohr, Keith; Carchio, Joe; Harper, Matthew; Shaw, Joe; Fikes, Cathy
Subject: ordinance discouraging wildlife

Dear Council - We're very glad that you're considering an ordinance to reduce human-wildlife conflicts. Please see the attached doc for suggested language.

We'd like you to be sure to include the feeding of pets outdoors, where wildlife can have access to food or bowls - and the feeding of loose or feral cats. We see this as critical.

Also, in your plan, you might consider hosting a special presentation by one of the few humane wildlife control businesses in California so that citizens could ask questions and learn what they can do around their homes to best protect themselves, their pets and their property. Here is a list of the companies that provide humane services:

CALIFORNIA

A Wildlife Exclusion Service (Sonoma) 707-992-0276
Humane Pest Control (Los Angeles/Monterey/San Jose) 855-5-HUMANE
WildCare Solutions (San Francisco) 415-456-7283
San Diego Wildlife Removal (San Diego) 619-446-7438

Thank you - Rebecca Dmytryk

SUPPLEMENTAL COMMUNICATION

Meeting Date: 10/15/2012

Agenda Item No. 15

Purpose

Feeding wild animals or allowing situations to exist that attract wildlife can result in artificially high concentrations of animals, an increase human-wildlife conflicts, and compromises the health and safety of humans and wildlife.

Definitions

As used in this ordinance, the following terms shall have the meanings indicated:

"Wildlife and "wild animal(s)" shall include but not be limited to bear, coyote, deer, fox, squirrel, opossum, raccoon, skunk, waterfowl, and feral cats.

"Waterfowl" Any bird that frequents water including but not limited to ducks, geese, swans, herons, and egrets.

"Attractant(s)" means any substance, including but not limited to, food, garbage, or salt lick, which entices wildlife to a particular location.

"Feed" means edible material composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract wild animals.

"Feeding" means the depositing, exposing, or distributing feed in an area with the intention of feeding, attracting or enticing animals.

Feeding of Wildlife Prohibited.

A. It is unlawful to feed or provide feed or other attractants to wildlife within the city limits.

B. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, grain in a manner that would constitute an attractant to wildlife.

Exceptions.

A. It shall be legal to feed birds, other than waterfowl and upland game birds, utilizing a bird feeder that can be accessed only by birds. Birdfeeders that are accessed by other animals other than birds would be a violation.

This ordinance is not intended to prohibit:

- i) feeding of livestock in normal agricultural operations,
- ii) propagation of living food sources, such as vegetable gardens, fruit trees,
- iii) provision of care by a wildlife rehabilitator, licensed by the California Department of Fish and Game or U.S. Fish and Wildlife Service as required, or their agents.
- iv) provision of care by a veterinarian, City, county, state or federal official who, in the course of their duties, has wild animals in their custody.

Investigations and Complaints.

Upon receipt of a complaint by one or more persons alleging the illegal feeding of wildlife, an animal control officer may investigate the complaint to determine if there has been a violation of this ordinance.

Citations.

The animal control officer shall order the responsible party or parties providing feed and attractants to wildlife to stop the procedure immediately. A Notice of Violation (NOV) will be issued for a first offense.

A repeat offense will result in a citation being issued.

Penalty-Fines.

Each day an offense exists shall constitute a separate offense pursuant to this chapter.

All responsible party or parties found guilty of a first offense of this section shall be fined an amount of not less than _____ dollars (\$____.00), with a \$____.00 fine for subsequent offenses.